

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO COAL ASSOCIATION, et al.,

: Case No.: 2:14-cv-2646

and

: Related Case No.: 2:15-cv-448

**MURRAY ENERGY CORPORATION,
et al.,**

: JUDGE JAMES L. GRAHAM

Plaintiffs,

: MAGISTRATE JUDGE ELIZABETH P.
DEAVERS

v.

**R. ALEXANDER ACOSTA,¹
SECRETARY OF LABOR, and
THE MINE SAFETY AND HEALTH
ADMINISTRATION,**

: **JOINT MOTION FOR STAY OF
LITIGATION PENDING
SETTLEMENT DISCUSSIONS**

Defendants.

:

Plaintiffs Ohio Coal Association, et al. and Murray Energy Corporation, et al. and Defendants R. Alexander Acosta, Secretary of Labor, and The Mine Safety and Health Administration jointly move the Court for a stay of proceedings, so that the parties may explore a potential negotiated resolution of this dispute. The reasons for this request are set forth in the following memorandum in support hereof.

Respectfully submitted,

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¹ Pursuant to Federal Rule of Civil Procedure 25(d), R. Alexander Acosta, in his official capacity as Secretary of Labor, has been substituted for Thomas E. Perez.

s/ Kari E. D'Ottavio by s/Vladimir P. Belo
per authorization

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MEMORANDUM

Plaintiffs in this case challenge the Mine Safety and Health Administration's (MSHA) January, 2013 pattern of violations final rule. The case schedule currently provides that the parties will file cross-motions for judgment on the administrative record on May 19, 2017. Rather than concurrently litigating and negotiating a possible settlement of the dispute, the parties are open to negotiating a mutually agreeable resolution that could avoid further litigation. Following a May 1, 2017 meeting of counsel and representatives of the plaintiffs in both related cases, the Department of Justice, the Department of Labor, and MSHA, all parties agreed that such settlement negotiations were sufficiently promising to warrant seeking a stay of this litigation. The parties have since discussed their commitment to a structured series of conferences to consider a negotiated resolution.

As such, the parties seek the Court's approval of a 120-day stay of all proceedings in both related cases. This Court has the inherent power to stay a case to achieve "economy of time and effort for itself, for counsel, and for litigants." *Gray v. Bush*, 628 F.3d 779, 785 (6th Cir. 2010). The parties believe that a stay of proceedings is appropriate to avoid potentially unnecessary further litigation and to conserve judicial resources. The parties therefore respectfully request that this Court exercise its discretion to stay this case for 120 days because doing so will allow the parties to focus on whether they can resolve this dispute through settlement negotiations.

Respectfully submitted,

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Certificate of Service

A true and accurate copy of the foregoing was electronically filed on May 8, 2017 via the Court's ECF filing system, which automatically serves notice on counsel of record in this action.

s/ Vladimir P. Belo

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